

REMARKS

With respect to claims 7-9, 18-24 and 27-30 the Examiner has rejected these claims under 35 U.S.C. §102(e) as anticipated by Nash. The Examiner reads the claim on Nash but in Applicant's view there is a missing element. The claim calls for an angioplasty therapy balloon (in claim 7) which was intended to be restricted to an angioplasty type balloon for either direct angioplasty or stent delivery (in claim 28) and the claim clarify that fact. In Nash, the balloon present in the disclosure is an occlusion balloon for sealing off the vessel during the fluid treatment of the vessel and is not intended to provide angioplasty therapy, which is clear from the disclosure.

The Examiner reads the claim on to the Fishell disclosure, and in the applicants view the claim requires that the therapy balloon is for angioplasty and not of the atherectomy type shown in Fishell but rather is an angioplasty balloon for direct angioplasty or stent delivery.

To clarify Applicant's previous discussion of the Coanda effect, the Applicant points to the language in the claims "said wall serving to restrict entrainment of fluid creating a pressure difference across the fluid" as a succinct statement of criteria for creating the Coanda effect in the device. The Applicant points out that the applied references lack the structure called for by the claim in that the claim requires that there by a gap introducing a primary jet of fluid in a first direction away from the wall of the device and the wall in combination with this jet turns the jet which is not found inherently or explicitly in either Nash or Fishell. It is the Applicant's position that the structural recitations in the independent claims define conditions under which the Coanda effect takes place are not found within Nash or Fishell. Applicant further argues that the claims as amended restricting the therapy balloon to an angioplasty or stent delivery device further distinguishes over the references since neither teaches nor shows nor suggests this form of therapy balloon.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
SPRITE SOLUTIONS
By its attorneys:

Date: _____

1/6/06

A handwritten signature in black ink, appearing to read "Robert C. Beck", written over a horizontal line.

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